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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL  
FORM

(to be used for all correspondence after filing)

Total number of Pages in this submission

Application Number	09/646,478
Filing Date	September 15, 2000
First Named Inventor	Jin JEN et al.
Group Art Unit	NYA
Examiner Name	NYA
Attorney Docket No.	126881201800

Commissioner of Patents  
Washington, D.C. 20231

## ENCLOSURES (check all that apply)

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> FEE TRANSMITTAL FORM  | <input type="checkbox"/> ASSIGNMENT PAPERS<br>(FOR AN APPLICATION)                             | <input type="checkbox"/> AFTER ALLOWANCE<br>COMMUNICATION TO GROUP                            |
| <input checked="" type="checkbox"/> FEE ATTACHED (\$180)  | <input type="checkbox"/> DRAWINGS(S)   | <input type="checkbox"/> APPEAL COMMUNICATION TO BOARD<br>OF APPEALS AND INTERFERENCES        |
| <input type="checkbox"/> AMENDMENT/RESPONSE   | <input type="checkbox"/> LICENSING-RELATED<br>PAPERS   |   |
| <input type="checkbox"/> AFTER FINAL  | <input type="checkbox"/> PETITION ROUTING SLIP<br>(PTO/SB/60) AND<br>ACCOMPANYING<br>PETITION) | <input type="checkbox"/> APPEAL COMMUNICATION TO GROUP<br>(APPEAL NOTICE, BRIEF, REPLY BRIEF) |
| <input type="checkbox"/> AFFIDAVITS' DECLARATION(S)   | <input type="checkbox"/> TO CONVERT A<br>PROVISIONAL<br>APPLICATION                            | <input type="checkbox"/> PROPRIETARY INFORMATION  |
| <input type="checkbox"/> EXTENSION OF TIME  | <input type="checkbox"/> POWER OF ATTORNEY,<br>REVOCATION CHANGE OF<br>CORRESPONDENCE ADDRESS  | <input type="checkbox"/> STATUS LETTER  |
| <input type="checkbox"/> EXPRESS ABANDONMENT REQUEST  | <input type="checkbox"/> TERMINAL DISCLAIMER   | <input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S)<br>(PLEASE IDENTIFY BELOW):       |
| <input type="checkbox"/> INFORMATION DISCLOSURE<br>STATEMENT w/1449                                 | <input type="checkbox"/> SMALL ENTITY STATEMENT  | INTERNATIONAL SEARCH REPORT FOR<br>PCT/US99/06947, 40 REFERENCES, RETURN<br>POSTCARD          |
| <input type="checkbox"/> CERTIFIED COPY OF PRIORITY<br>DOCUMENT(S)                                  | <input type="checkbox"/> REQUEST FOR REFUND  |   |
| <input type="checkbox"/> RESPONSE TO MISSING PARTS/<br>INCOMPLETE APPLICATION                       |  |   |
| <input type="checkbox"/> RESPONSE TO MISSING PARTS<br>UNDER 37 CFR 1.52 OR 1.53<br>COPY OF PTO-1533 |  |   |
| <input type="checkbox"/> ISSUE FEE TRANSMITTAL  |  |   |
| <input type="checkbox"/>  |  |   |
| <input type="checkbox"/>  |  |   |

## REMARKS:

BAKER & MCKENZIE  
660 HANSEN WAY  
PALO ALTO, CALIFORNIA 94304  
TELEPHONE: (650) 856-2400  
FACSIMILE: (650) 856-9299

DATE: APRIL 24, 2001

BY:

ANTOINETTE F. KONSKI, REG. NO. 34,202

## CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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**APR 17 2001**  
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**PATENT & TRADEMARK OFFICE**  
**FEES TRANSMITTAL**  
**FOR FY 2001**

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**Complete if Known**

Application Number	D9/646,478
Filing Date	September 15, 2000
First Named Inventor	Jin JEN et al.
Examiner Name	Not Yet Assigned
Group Art Unit	Not Yet Assigned

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT**

(\$180.00)

Attorney Docket No. 126881201800

**METHOD OF PAYMENT**

**FEES CALCULATION (continued)**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-0974

Deposit Account Name Baker & McKenzie

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27  
 Payment Enclosed:

Check  Credit Card  Money Order  Other

**FEES CALCULATION**

1. **BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$180.00)

2. **EXTRA CLAIM FEES**

Total Claims	+ 20** =	Extra Claims	Fee from below	Fee Paid
Independent Claims	+ 3** =	x	= \$	
Multiple Dependent			= \$	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claims, if not paid
109	80	209	40	*Reissue independent claims over original patent
110	18	210	9	*Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$1\*

\*\* or number previously paid, if greater; For reissues, see above.

3. **ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Request for publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	180.00
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

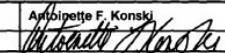
Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180.00)

**SUBMITTED BY**

**Complete if applicable**

Name (Print/Type)	Antoinette F. Konski	Registration No. (Attorney/Agent)	34,202	Telephone	(650) 856-5564
Signature			Date	April 24, 2001	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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Commissioner of Patents, Washington, D.C. 20231 on April 24, 2001.

Mary R. Zimmerman

In re Application for:

Jin JEN et al.

Examiner: Not Yet Assigned

Serial No.: 09/646,478

Group Art Unit: Not Yet Assigned

Filing Date: September 15, 2000

For: Methods for the Diagnosis and Treatment  
of Lung Cancer

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97**

Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application a copy of an International Search Report for corresponding PCT Application Serial No. PCT/US99/06947 and the documents listed on the attached Information Disclosure Statement by Applicants. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record.

A fee is required. A check in the amount of \$180.00 is enclosed.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

This Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-0974 referencing 126881201800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: April 24, 2000

By:   
Antoinette F. Konski  
Registration No. 34,202

Baker & McKenzie  
660 Hansen Way  
Palo Alto, California 94304  
Telephone: (650) 856-2400  
Facsimile: (650) 856-9299

Substitute for Form 1449A/PTO

Docket No. 126881201800

Appl. No. 09/646,478

APR 27 2001  
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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Applicant(s)  
Jin JEN et al.

Filing Date: 9/15/00

Group Art Unit:  
Unassigned

Sheet

1

of

2

Examiner Name: Unassigned

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)
	1.	06/18/1974	3,817,837	Rubenstein et al.			
	2.	11/26/1974	3,850,752	Schuurs et al.			
	3.	02/17/1976	3,939,350	Kronick et al.			
	4.	12/07/1976	3,996,345	Ullman et al.			
	5.	06/23/1981	4,275,149	Litman et al.			
	6.	07/07/1981	4,277,437	Maggio			
	7.	12/28/1982	4,366,241	Tom et al.			
	8.	07/29/1986	4,603,102	Himmelmann et al.			
	8.	04/11/1995	5,405,783	Pirrung et al.			
	10.	05/02/1995	5,412,087	McGall et al.			
	11.	08/29/1995	5,445,934	Fodor et al.			
	12.	11/07/1995	5,464,764	Capecchi et al.			
	13.	01/30/1996	5,487,992	Capecchi et al.			
	14.	11/26/1996	5,578,832	Trulson et al.			
	15.	05/06/1997	5,627,059	Capecchi et al.			
	16.	05/20/1997	5,631,153	Capecchi et al.			
	17.	05/20/1997	5,631,734	Stern et al.			
	19.	12/09/1997	5,695,937	Kinzler et al.			
	19.	12/09/1997	5,695,980	Wei et al.			
	20.	03/30/1999	5,888,796	Chang			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation YES NO
	21.	04/14/1994	WO 94/07538 A1	Calabretta			
	22.	08/03/1995	WO 95/20681	Seilhamer et al.			
	23.	03/20/1997	WO 97/10365	Lockhart et al.			
	24.	06/19/1996	EP 0717 113 A2	Chee et al.			

## OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

Examiner Initials	Ref. No.	Title
	25.	Borges et al. (1997) "An achaete-scute homologue essential for neuroendocrine differentiation in the lung" Nature 386:852-855

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	

Substitute for form 1449A/PTO

APR 27 2001

Docket No. 126881201800

Appl. No. 09/646,478

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Applicant(s)

Jin JEN et al.

Filing Date: 9/15/00

Group Art Unit:  
Unassigned

Sheet	2	of	2	Examiner Name:	Unassigned
Examiner Initials	Ref. No.	Title			
	26.	Chiang et al. (1991) "Antisense oligonucleotides inhibit intercellular adhesion molecule 1 expression by two distinct mechanisms" <i>J. Biol. Chem.</i> <b>266</b> :18162-18171			
	27.	Chisaka et al. (1992) "Developmental defects of the ear, cranial nerves and hindbrain resulting from targeted disruption of the mouse homeobox Gene Hox-1.6" <i>Nature</i> <b>355</b> :516-520			
	28.	Dorin et al. (1992) "Cystic fibrosis in the mouse by targeted insertional mutagenesis" <i>Nature</i> <b>359</b> :211-215			
	29.	Ermisch et al. (1995) "Protein gene product (PGP) 9.5 in diagnostic (neuro-) oncology. An immunomorphological study" <i>Clin. Neuropath.</i> <b>14</b> (3):130-136			
	30.	Gadzar et al. (1996) "NCI Series of Cell Lines: An Historical Perspective" <i>J. Cell Biochem. Suppl.</i> <b>24</b> :1-11			
	31.	Gilbert et al. (1997) "Low specificity of PGP9.5 expression for detection of micrometastatic neuroblastoma" <i>Brit. J. Cancer</i> <b>75</b> (12):1779-1781			
	32.	Gupta et al. (1995) "Regulation of an eukaryotic initiation factor-2 (eIF-2) associated with 67 kDa Glycoprotein (p67) and its requirement in protein synthesis" <i>Gene Expression</i> <b>5</b> (2):113-122			
	33.	Hibi et al. (March 1999) "Frequent overexpression of PGP9.5 in a non-small cell lung cancer" <i>Proceedings of the American Association of Cancer Research</i> <b>40</b> :610			
	34.	Madden et al. (1997) "SAGE transcript profiles for p53-dependent growth regulation" <i>Oncogene</i> <b>15</b> :1079-1085			
	35.	Phelps et al. (1996) "NCI-Navy medical oncology branch cell line data base" <i>J. Cell Biochem Suppl.</i> <b>24</b> :32-91			
	36.	C.A. Stein (1999) "Keeping the biotechnology of antisense in context" <i>Nature Biotech.</i> <b>17</b> (3):209			
	37.	Velculescu et al. (1995) "Serial analysis of gene expression" <i>Science</i> <b>270</b> :484-487			
	38.	Venter et al. (1996) "A new strategy for genome sequencing" <i>Nature</i> <b>381</b> :364-366			
	39.	Wilkinson et al. (1989) "The neuron-specific protein PGP 9.5 is a ubiquitin carboxyl-terminal hydrolase" <i>Science</i> <b>246</b> :670-673			
	40.	Wu and Wu (1987) "Receptor-mediated <i>in vitro</i> gene transformation by a soluble DNA carrier system: <i>J. Biol. Chem.</i> <b>262</b> :4429-4432			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.